



Practioner's Docket No. 1062/D94

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)

for _____
Title of invention

OR

In re application of: Morrell et al.

Application No.: 10/669,879

Group No.: 3611

Filed: September 23, 2003

Examiner: N/A

For: Speed Limiting for a Balancing Transporter Accounting for...

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. SECTION 1.97(b))**

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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Date: March 19, 2004

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☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Samuel J. Petuchowski

(type or print name of person certifying)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: The "filing date of a national application" under 37 C.F.R. section 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. section 1.53(b) as "the date on which: (1) A specification containing a description pursuant to section 1.71 and at least one claim pursuant to section 1.75; and (2) any drawing required by section 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by section 1.41." 37 C.F.R. section 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. section 371(c) within the periods set forth in section 1.494 or section 1.495. 35 U.S.C. section 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. section 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 C.F.R. section 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. section 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. section 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).



SIGNATURE OF PRACTITIONER

Reg. No. 37,910

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Customer No.: 002101

Samuel J. Petuchowski

(type or print name of practitioner)

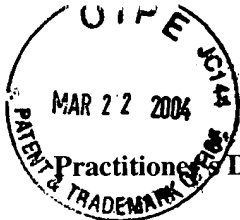
Bromberg & Sunstein LLP

125 Summer Street, 11th Floor

P.O. Address

Boston, MA 02110

01062/00D94 301789.1



Practitioner's

Docket No.

1062/D94

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____

Inventor(s)

for _____

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Morrell et al.

Application No.: 10/669,879

Group No.: 3611

Filed: September 23, 2003

Examiner: N/A

For: Speed Limiting for a Balancing Transporter Accounting for...

Commissioner for Patents

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Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

(Information Disclosure Statement--page 1 of 13)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Express Mail certification is optional.)

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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Samuel J. Petuchowski

(type or print name of person certifying)

*WARNING:

Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE : "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Morrell et al. Attorney Docket: 1062/D94
Serial No: 10/669,879 Art Group Unit: 3611
Date Filed: September 23, 2003 Examiner Name: N/A
Invention: Speed Limiting for a Balancing Transporter Accounting for...

**LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS'
INFORMATION DISCLOSURE STATEMENT**

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
AA	584,127	Draullette et al.	June 8, 1897	
AB	849,270	Schafer et al.	Apr. 2, 1907	
AC	2,742,973	Johannesen, H.	Apr. 24, 1956	
AD	3,145,797	Taylor	Aug. 25, 1964	
AE	3,260,324	Suarez	July 12, 1966	
AF	3,283,398	Andren	Nov. 8, 1966	
AG	3,288,234	Feliz, J.	Nov. 29, 1966	
AH	3,348,518	Forsyth et al.	Oct. 24, 1967	
AI	3,374,845	Selwyn, D.	Mar. 26, 1968	
AJ	3,399,742	Malick	Sept. 3, 1968	
AK	3,450,219	Fleming, J.	June 17, 1969	
AL	3,446,304	Alimanestiano	May 1969	
AM	3,515,401	Gross, E.	June 2, 1970	
AN	3,580,344	Floyd	May 25, 1971	
AO	3,596,298	Durst, Jr.	Aug. 3, 1971	
AP	3,860,264	Douglas et al.	Jan. 14, 1975	
AQ	3,872,945	Hickman et al.	Mar. 25, 1975	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
AR	3,952,822	Udden et al.	Apr. 27, 1976	
AS	4,018,440	Deutsch	Apr. 19, 1977	
AT	4,062,558	Wasserman	Dec. 13, 1977	
AU	4,076,270	Winchell	Feb. 28, 1978	
AV	4,088,199	Trautwein	May 9, 1978	
AW	4,094,372	Notter	June 13, 1978	
AX	4,109,741	Gabriel	Aug. 29, 1978	
AY	4,111,445	Haibeck	Sept. 5, 1978	
AZ	4,151,892	Francken	May 1, 1979	
BA	4,222,449	Feliz	Sept. 16, 1980	
BB	4,264,082	Fouchey, Jr.	Apr. 28, 1981	
BC	4,266,627	Lauber	May 12, 1981	
BD	4,293,052	Daswick et al.	Oct. 6, 1981	
BE	4,325,565	Winchell	Apr. 20, 1982	
BF	4,354,569	Eichholz	Oct. 19, 1982	
BG	4,363,493	Veneklasen	Dec. 14, 1982	
BH	4,373,600	Buschbom et al.	Feb. 15, 1983	
BI	4,375,840	Campbell	Mar. 8, 1983	
BJ	4,510,956	King	Apr. 16, 1985	
BK	4,560,022	Kassai	Dec. 24, 1985	
BL	4,566,707	Nitzberg	Jan. 28, 1986	
BM	4,570,078	Yashima et al.	Feb. 11, 1986	
BN	4,571,844	Komasaku et al.	Feb. 25, 1986	
BO	4,624,469	Bourne, Jr.	Nov. 25, 1986	
BP	4,657,272	Davenport	Apr. 14, 1987	
BQ	4,685,693	Vadjunec	Aug. 11, 1987	
BR	4,709,772	Brunet	Dec. 1, 1987	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
BS	4,716,980	Butler	Jan. 5, 1988	
BT	4,740,001	Torleumke	Apr. 26, 1988	
BU	4,746,132	Eagan	May 24, 1988	
BV	4,770,410	Brown	Sept. 13, 1988	
BW	4,786,069	Tang	Nov. 22, 1988	
BX	4,790,400	Sheeter	Dec. 13, 1988	
BY	4,790,548	Decelles et al.	Dec. 13, 1988	
BZ	4,794,999	Hester	Jan. 3, 1989	
CA	4,798,255	Wu	Jan. 17, 1989	
CB	4,802,542	Houston et al.	Feb. 7, 1989	
CC	4,809,804	Houston et al.	Mar. 7, 1989	
CD	4,834,200	Kajita	May 30, 1989	
CE	4,863,182	Chern	Sept. 5, 1989	
CF	4,867,188	Reid	Sept. 19, 1989	
CG	4,869,279	Hedges	Sept. 26, 1989	
CH	4,874,055	Beer	Oct. 17, 1989	
CI	4,890,853	Olson	Jan. 2, 1990	
CJ	4,919,225	Sturges	Apr. 24, 1990	
CK	4,953,851	Sherlock et al.	Sept. 4, 1990	
CL	4,985,947	Ethridge	Jan. 22, 1991	
CM	4,984,754	Yarrington	Jan. 15, 1991	
CN	4,998,596	Miksitz	Mar. 12, 1991	
CO	5,002,295	Lin	Mar. 26, 1991	
CP	5,011,171	Cook	Apr. 30, 1991	
CQ	5,052,237	Reimann	Oct. 1, 1991	
CR	5,111,899	Reimann	May 12, 1992	
CS	5,158,493	Morgrey	Oct. 27, 1992	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
CT	5,161,820	Vollmer	Nov. 10, 1992	
CU	5,168,947	Rodenborn	Dec. 8, 1992	
CV	5,171,173	Henderson et al.	Dec. 15, 1992	
CW	5,186,270	West	Feb. 16, 1993	
CX	5,221,883	Takenaka et al.	June 22, 1993	
CY	5,241,875	Kochanneck	Sept. 7, 1993	
CZ	5,248,007	Watkins et al.	Sep. 28, 1993	
DA	5,314,034	Chittal	May 24, 1994	
DB	5,350,033	Kraft	Sept. 27, 1994	
DC	5,366,036	Perry	Nov. 22, 1994	
DD	5,376,868	Toyoda et al.	Dec. 27, 1994	
DE	5,419,624	Adler et al.	May 30, 1995	
DF	5,701,965	Kamen et al.	Dec. 30, 1997	
DG	5,701,968	Wright-Ott et al.	Dec. 1997	
DH	5,775,452	Patmont	July 1998	
DI	5,791,425	Kamen et al.	Aug. 11, 1998	
DJ	5,794,730	Kamen	Aug. 18, 1998	
DK	5,971,091	Kamen et al.	Oct. 26, 1999	
DL	5,973,463	Okuda et al.	Oct. 26, 1999	
DM	5,975,225	Kamen et al.	Nov. 2, 1999	
DN	5,986,221	Stanley	Nov. 16, 1999	
DO	6,003,624	Jorgensen et al.	Dec. 21, 1999	
DP	6,039,142	Eckstein et al.	Mar. 21, 2000	
DQ	6,050,357	Staelin et al.	Apr. 18, 2000	
DR	6,059,062	Staelin et al.	May 9, 2000	
DS	6,125,957	Kauffmann	Oct 2000	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
DT	6,131,057	Tamaki et al.	Oct. 10, 2000	
DU	6,223,104	Kamen et al.	Apr. 24, 2001	
DV	6,225,977	Li	May 1, 2001	
DW	6,288,505	Heinzmann et al.	Sep. 11, 2001	
DX	6,302,230	Kamen et al.	Oct. 16, 2001	

Ref. No.	U.S. Publication No.	Inventor	Publication Date	Exam. Init.
DY	US 2002/063006 A1	Amesbury Burl et al	30 May 2002	

Ref. No.	Foreign Patent No.	Applicant	Publication Date	Exam. Init.
DZ	DE 2 048 593	Deres Development	May 6, 1971	
EA	DE 298 08 091 U1	Brecht	Oct. 10, 1998	
EB	DE 298 08 096 U1	Brecht	Oct. 8, 1998	
EC	DE 31 28 112 A1	Heid	Feb. 3, 1983	
ED	DE 32 42 880 A1	Toselli	June 23, 1983	
EE	DE 3411489 A1	Takamiya et al.	Oct. 10, 1984	
EF	DE 44 04 594 A 1	Wittelsberger (and translation)	Aug. 17, 1995	
EG	DE 196 25 498 C 1	Eckstein, et al.	Nov. 20, 1997	
EH	EP 0 193 473	Brunet	Sept. 3, 1986	
EI	EP 0 537 698 A1	Toselli	Apr. 21, 1993	
EJ	EP 0 109 927	von Rohr	July 4, 1984	
EK	EP 0 958 978 A2	Ghoneim et al	Nov. 24, 1999	
EL	FR 2 502 090	Tobex	Sept. 24, 1982	
EM	FR 980 237	Pages	May 9, 1951	
EN	GB 2 139 576 A	Colpus	Nov. 14, 1984	

Ref. No.	Foreign Patent No.	Applicant	Publication Date	Exam. Init.
EO	JP 59-73372		Apr. 25, 1984	
EP	JP 61-31685		Feb. 26, 1986	
EQ	JP 4-201793	Furukawa (with translation)	July 22, 1992	
ER	JP 2-190277	Toyoda (translation)	July 26, 1990	
ES	JP 5-213240	Mitsubishi (translation)	Aug. 24, 1993	
ET	JP 0255580	Takahashi (with abstract)	Dec. 17, 1985	
EU	JP 7255780		Mar. 1995	
EV	JP 57-87766	Iguchi (with abstract)	June 1982	
EW	JP 52-44933	Shimizu (with abstract)	Oct. 1975	
EX	JP 63-305082	Santo (with abstract and translation)	Dec. 1988	
EY	JP 62-12810	Hitachi	July 10, 1985	
EZ	JP 57-110569			
FA	JP 6-171562	Takeda	Dec. 10, 1992	
FB	JP 6-105415	Suzuki	December 21, 1994	
FC	UK 152,664	Garanzini	Feb. 16, 1922	
FD	UK 1213930	Fleming	Nov. 25, 1970	
FE	WO 86/05752	Post	Oct. 9, 1986	
FF	WO 89/06117	Rix (with translation)	July 13, 1989	
FG	WO 96/23478	Kamen et al.	Aug. 8, 1996	
FH	WO 98/46474	Staelin et al.	Oct. 22, 1998	
FI	WO 00 75001 A	Deka Products LP	14 December 2000 (2000-12-14) Claim 23	

Ref. No.	European Publication	Inventor	Publication Date	Exam. Init.
FJ	0663 313 A1	Fujii et al.	July 19, 1995	

Ref. No.	Non-Patent References	Exam Init.
FK	Kawaji, S., <i>Stabilization of Unicycle Using Spinning Motion</i> , <u>Denki Gakkai Ronbushu, D</u> , Vol. 107, Issue 1, Japan (1987), pp. 21-28	
FL	Schoonwinkel, A., <i>Design and Test of a Computer-Stabilized Unicycle</i> , Stanford University (1988), UMI Dissertation Services	
FM	Vos, D., <i>Dynamics and Nonlinear Adaptive Control of an Autonomous Unicycle</i> , Massachusetts Institute of Technology, 1989	
FN	Vos, D., <i>Nonlinear Control of an Autonomous Unicycle Robot: Practical Issues</i> , Massachusetts Institute of Technology, 1992	
FO	Koyanagi et al., <i>A Wheeled Inverse Pendulum Type Self-Contained Mobile Robot and its Posture Control and Vehicle Control</i> , <u>The Society of Instrument and Control Engineers</u> , Special issue of the 31 st SICE Annual Conference, Japan 1992, pp. 13-16.	
FP	Koyanagi et al., <i>A Wheeled Inverse Pendulum Type Self-Contained Mobile Robot</i> , <u>The Society of Instrument and Control Engineers</u> , Special issue of the 31 st SICE Annual Conference, Japan 1992, pp. 51-56	
FQ	Koyanagi et al., <i>A Wheeled Inverse Pendulum Type Self-Contained Mobile Robot and its Two Dimensional Trajectory Control</i> , <u>Proceeding of the Second International Symposium on Measurement and Control in Robotics</u> , Japan 1992, pp. 891-898.	
FR	Watson Industries, Inc., Vertical Reference Manual ADS-C132-1A, 1992, pp. 3-4	
FS	News article <i>Amazing Wheelchair Goes Up and Down Stairs</i>	
FT	Osaka et al., <i>Stabilization of unicycle</i> , <u>Systems and Control</u> , Vol. 25, No. 3, Japan 1981, pp. 159-166 (Abstract Only)	
FU	Roy et al., <i>Five-Wheel Unicycle System</i> , <u>Medical & Biological Engineering & Computing</u> , Vol. 23, No. 6, United Kingdom 1985, pp. 593-596	
FV	Kawaji, S., <i>Stabilization of Unicycle Using Spinning Motion</i> , <u>Denki Gakkai Ronbushu, D</u> , Vol. 107, Issue 1, Japan 1987, pp. 21-28 (Abstract Only)	
FW	Schoonwinkel, A., <i>Design and Test of a Computer-Stabilized Unicycle</i> , <u>Dissertation Abstracts International</u> , Vol. 49/03-B, Stanford University 1988, pp. 890-1294 (Abstract only)	

Ref. No.	Non-Patent References	Exam Init.
FX	Vos et al., <i>Dynamics and Nonlinear Adaptive Control of an Autonomous Unicycle - Theory and Experiment</i> , <u>American Institute of Aeronautics and Astronautics</u> , A90-26772 10-39, Washington, D.C. 1990, pp. 487-494 (Abstract only)	
FY	TECKNICO'S Home Page, <i>Those Amazing Flying Machines</i> , http://www.swiftsite.com/technico	
FZ	<u>Stew's Hovercraft Page</u> , http://www.stewcam.com/hovercraft.html	
GA	Kanoh, <i>Adaptive Control of Inverted Pendulum</i> , <u>Computrol</u> , vol. 2, (1983), pp. 69-75.	
GB	Yamafuji, <i>A Proposal for Modular-Structured Mobile Robots for Work that Principally Involve a Vehicle with Two Parallel Wheels</i> , <u>Automation Technology</u> , vol. 20, pp. 113-118 (1988).	
GC	Yamafuji & Kawamura, <i>Study of Postural and Driving Control of Coaxial Bicycle</i> , <u>Paper Read at Meeting of Japan Society of Mechanical Engineering (Series C)</u> , vol. 54, no. 501, (May, 1988), pp. 1114-21	
GD	Yamafuji et al., <i>Synchronous Steering Control of a Parallel Bicycle</i> , <u>Paper Read at Meeting of Japan Society of Mechanical Engineering (Series C)</u> , vol. 55, no. 513, (May, 1989), pp. 1229-34.	
GE	Momoi & Yamafuji, <i>Motion Control of the Parallel Bicycle-Type Mobile Robot Composed of a Triple Inverted Pendulum</i> , <u>Paper Read at Meeting of Japan Society of Mechanical Engineering (Series C)</u> , vol. 57, no. 541, (Sep., 1991), pp. 154-159	

Examiner Signature: _____

Date Considered: _____

NOTE FOR EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance AND not considered. Include copy of this form with next communication to applicant.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

NOTE: *"A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. section 1.98(d).*

WARNING: *"This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).*

WARNING: *"Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. section 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

WARNING: *While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in section 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in section 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.*

This application relies, under 35 U.S.C. section 120, on the earlier filing date of prior application SN.: 10/ 460,970, filed on June 13, 2003.

The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

AA-GE



Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

(a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

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01062/00D94 301820.1

SIGNATURE OF PRACTITIONER

Samuel J. Petuchowski

(type or print name of practitioner)

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